

December 11, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, December 11, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Rodney Queen, Jeff Smith, DeeDee Wright, Elaine Stiller, Leigh Ann Loeblein, Lou Manning, Sean Reid, Ken Mowery, Eldridge Williams, Fred Dula

ABSENT: John Daniels, Brian Miller

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of November 27, 2001, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-28-01 Claude Bradley Gullett, 111 Dunham Avenue

Location: 111 Dunham Avenue

Size: 95' x 150' lot containing approximately 14,250 square feet

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: B-6 General Business

(a) Chairman Wright convened a courtesy hearing on Z-28-01.

Those speaking in favor of the zoning change request:

Claude Bradley Gullett, 111 Dunham Avenue – In the process of selling the property. Several realtors have told him that the businesses around his property have hurt the value of his property as far as selling the property for residential purposes.

Those speaking in opposition to the zoning change request:

Norman Ingold, 210 Dunham Avenue – Presented a protest petition. The rezoning would encroach on a residential area. A traffic problem already exists. Dunham Avenue was not made for commercial traffic. If the property is turned into a parking lot, it would become an eyesore with more fences, more noise pollution, more light pollution, and more automobiles.

Elizabeth Weaver, lives in house next to property being requested for rezoning – If property rezoned for business, there would be another fence at her back door. She's already fenced in. Would make her property less valuable.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Ken Mowery – There are existing properties across the street already zoned that would allow parking lots that could be available if the problem here is lack of parking for Wink's

restaurant. All we would accomplish here would be to move Mr. Gullett's situation to Mrs. Weaver's property. Good planning practices go against encroachment into the neighborhood down Dunham Avenue.

Rodney Queen – Sees no need to intrude any farther with a business classification.

Mr. Queen moved to recommend denying the request. The motion was seconded by Mr. Mowery with all members voting AYE.

### **ZONING TEXT AMENDMENT**

Mr. Poole explained that the Planning Board had received a committee report at last month's meeting that outlined recommendations pertaining to the B-CS district and what changes should be made. The recommendations included: (1) adding the use "neighborhood grocery stores, with a maximum size of 2,000 sq. ft. and a prohibition of the sale or use of alcoholic products;" (2) modifying the use convenience stores to read "convenience stores, with the issuance of a special use permit as outlined in Section 7.01(5) Special Use Permit (e);" (3) adding a new section explaining the special use permits process; (4) eliminating the "gunsmiths" permitted use; and (5) eliminating the "alcoholic beverage stores (ABC stores and other similar establishments)" conditional use.

Staff was directed to invite convenience store operators and property owners of the seven convenience stores located in B-CS districts to our next Planning Board meeting to explain the proposed changes and answer any questions they might have. The notification letter explained that existing convenience stores would not need a special use permit. They would be grandfathered. A special use permit would be required for new convenience stores that sell alcoholic beverages.

- (a) Chairman Wright convened a courtesy hearing on the proposed text changes.

Those speaking in favor of the proposed changes:

None

Those speaking in opposition to the proposed changes:

None

The chairman closed the courtesy hearing on this matter.

- (b) Board Discussion:

Jeff Smith – This appears to be a reasonable solution and would give neighborhood protection.

Lou Manning moved to recommend the proposed text changes for the B-CS district as per the committee's five recommendations. The motion was seconded by Rodney Queen with all members voting AYE.

## **GROUP DEVELOPMENTS**

G-11-01 Salisbury YMCA, 828 Jake Alexander Blvd. W.

An application has been submitted for the construction of a new YMCA facility. During the Technical Review Committee's review, it was requested that the developer install sidewalks, with landscaping, in the parking lot. The developer agreed and installed two six-foot sidewalks as well as sidewalks extending from the adjacent Winn-Dixie Crown Plaza. The Technical Review Committee recommends approval as submitted.

Mr. Reid questioned why the TRC is always recommending sidewalks in parking lots. Mr. Furr indicated that sidewalks in parking lots are not required and were first mentioned during discussion of the Wal-Mart center on East Innes Street. The Planning Board did not go along with the TRC's recommendation for sidewalks at Wal-Mart and City Council went along with the Planning Board's recommendation to approve the site plan without sidewalks. With the YMCA project, the architect happens to be a proponent for sidewalks and went along with the TRC's recommendation to add sidewalks. The TRC felt it would be a good idea to have sidewalks in the parking area thinking there will be a lot of children using the YMCA. It would be better to have the sidewalks for them to use rather than using the traffic aisles.

On a motion by Ken Mowery, seconded by Lou Manning, with all members voting AYE, the site plan was recommended to City Council for approval.

G-13-01 Pristine Center, Southmark Industrial Park, Camp Road & 746 Long Meadow Drive

An application has been submitted for the construction of a new industrial building in the Southmark Industrial Park. The Technical Review Committee recommends approval.

On a motion by Leigh Ann Loeblein, seconded by Eldridge Williams, with all members voting AYE, the site plan was recommended to City Council for approval.

## **HIGHLAND AVENUE SMALL AREA STUDY COMMITTEE**

Leigh Ann Loeblein reported for the committee. The committee met several times, including a mini-hearing with about 20 area neighbors. The committee is recommending the following: rezone 22 properties along both sides of Highland Avenue, the west side of Mocksville Avenue down to Grove Street and Grove Street to the west side of the Smith property (the original applicant) to MED Medical Services District. This rezoning to MED includes the Charles A. Smith property at 528 Grove Street (Z-22-01) that he had requested rezoning to B-1 Office Institutional.

Ms. Wright felt this rezoning would have a negative impact on the community due to encroachment into the neighborhood. Sean Reid was concerned with all the B-1 zoned property along Mocksville Avenue. This could develop into a terrible mixed use district in this area due to the number of uses permitted in B-1 Office Institutional. He suggested the committee could look at this area at a later date to see if we want to continue the MED district along Mocksville Avenue and at what point do we start and stop the MED district.

Jeff Smith moved to send the committee's recommendation for the proposed rezoning to City Council. The motion was seconded by Sean Reid with all members voting AYE except DeeDee Wright who voted NAY. The motion carried.

### **TEXT AMENDMENT – GROUND SIGNS**

Mr. Poole indicated that something had come up concerning setback requirements in the B-5 Central Business District. Currently, the Zoning Ordinance has no specific setback requirements for ground signs other than for ground signs in the B-5 Central Business District which specifies a 10-foot front yard setback. A new law office in the 100 block of North Lee Street would like to place a small ground sign close to the property line to advertise their business.

Randy Hemann, Executive Director of Downtown Salisbury, Inc., commented there are several instances downtown where it would be beneficial to have a zero setback. He cited the Rowan Museum sign as an example. There are a few areas downtown where you have a very nice lawn out front. The present ordinance requires the sign to be placed in the middle of the lawn. It might be better from a visibility and use standpoint to have it out closer to the sidewalk. In B-5 we encourage everything to be built out to the edge.

Jeff Smith indicated he was concerned that the ground sign in the B-5 district can go as high as 20 feet. Mr. Poole indicated that staff had the same concern and that the Legislative Committee will need to study the issue of ground signs further as well as other downtown sign issues, such as projecting signs.

Mr. Smith moved to send this request to the Legislative Committee for review as well as other sign issues. The motion died for lack of a second.

Mr. Smith then moved to recommend removing the ground sign setback requirement for the B-5 district and that the Legislative Committee look at the other sign issues mentioned today. The motion was seconded by Sean Reid with all members voting AYE.

### **OTHER MATTERS**

(a) Mr. Poole indicated that Planning Board agendas will soon be mailed to other organizations to better inform them of what the Planning Board is working on. Organizations and businesses mentioned as possible recipients included: Chamber of Commerce Local Affairs Committee, Historic Salisbury Foundation, neighborhood groups, Merchants Association, Downtown Salisbury, Inc.

(b) "Planning 101" project – This would be an open meeting for the public to inform them as to what zoning is all about, the process for rezoning property, planning issues in general. Mr. Poole suggested a committee be established to begin working on this project so that a meeting could be scheduled in February or March for the public information meeting. Volunteering for this committee were Sean Reid, chair; Rodney Queen, Ken Mowery, Jeff Smith, Lou Manning, Eldridge Williams.

Planning 2002-2003 Goals – This same committee will also work on next year's goals.

(c) Mr. Poole asked for suggestions for programs for the second meeting of upcoming months. He felt it would be an educational process for the board to find out about planning on the county level by inviting the county planner and the chairman of the county planning board. The board may be interested in happenings on a regional level by inviting someone from the Centralina Council of Governments or inviting someone from the state planning office to make a short presentation.

(d) Chairman Wright and Rodney Queen expressed their displeasure with City Council's recent action and comments concerning zoning case Z-21-01 Greer Goodman, Town Creek and I-85 north of Bringle Ferry Road. Planning Board recommended denying the request for rezoning from R-6 Two Family Residential to M-1 Light Industrial after a Planning Board committee had studied the request and recommended the denial. City Council did not go along with the Planning Board recommendation and voted to rezone the property as proposed.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary